



Boston City Council

Committee on Government Operations

Maureen Feeney, *Chair*

July 7, 2009

Dear Councilors:

The Committee on Government Operations held a hearing to discuss an ordinance an ordinance requiring the non-criminal disposition of sign violations (Docket #00725). This matter was sponsored by Councilor Ross, referred to this Committee on Wednesday, May 20, 2009, and heard at a public hearing on Wednesday, July 1 2009 at which public comment was taken.

The proposed ordinance would allow Inspectional Services to enforce sign violations under the Boston Zoning Code using the City's non-criminal disposition authority. ISD would impose civil fines as opposed to having to go through the lengthy notice and enforcement process under the zoning code. However, this ordinance would not remove any of the aggrieved parties' rights to an appeal under the zoning code. Many of the existing code violators are based on tobacco and alcohol signage, which is often strategically placed to target youths.

At the hearing several individuals testified in support of the ordinance, including representatives from the Inspectional Services Department, Sociedad Latina, Tobacco Free Mass and the 84 Movement. The American Lung Association, the American Heart Association and the Massachusetts Health Officers Association all submitted testimony supporting the proposal.

Originally the proposed ordinance would have mandated a fine of \$150 for the first offense and a fine of \$300 for any subsequent offenses. As a result of the sponsor working with ISD, a proposed revised draft was discussed at the hearing that would allow ISD to issue a warning for a first violation and impose a first fine of \$50 and a subsequent fine of \$100. The reasoning provided for these changes was that often times the problem can be quickly remedied by a warning and removal of the signs unlike other code violations which can take more time to fix.

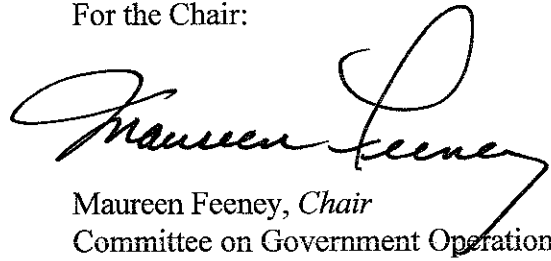
The passionate testifiers cited the alarming trend of multiple signs covering entire storefronts, which often contain tobacco and alcohol ads. Many of these harmful signs are placed low on the windows to target minors as young as four or five. Several involved youths testified about the negative impact these signs have on their siblings and how marketing is the number one reason youths take up smoking. Although no one wants to try to ban these signs altogether, better enforcement of existing regulations will help ensure that only the proper amount of window coverage will exist. This is a positive step to help ease enforcement of existing regulations.

By the Chair of the Committee on Government Operations, to which the following was referred:

Docket #0725 An ordinance requiring the non-criminal disposition of sign violations

based on information presented at the hearing and public comment gathered by the Committee and having considered the same, respectfully recommends that this matter **ought to pass in a new draft.**

For the Chair:

A handwritten signature in black ink, appearing to read "Maureen Feeney". The signature is fluid and cursive, with a large loop at the end of the last name.

Maureen Feeney, *Chair*
Committee on Government Operations

RECEIVED
JAN 17 2013
U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON GOVERNMENT OPERATIONS

Offered by Councilors **MICHAEL ROSS, LaMattina, Flaherty, Feeney, Connolly, Turner, Yoon, Yancey**



CITY OF BOSTON
Ordinances of 2009 - Chapter 6

IN THE YEAR TWO THOUSAND NINE

**AN ORDINANCE REQUIRING THE NON-CRIMINAL
DISPOSITION OF SIGN VIOLATIONS**

- WHEREAS,* Tobacco and alcohol use is a public health issue, and preventing usage of these products by our city's youth is a top priority for public health policy; and
- WHEREAS,* Whereas the proliferation of tobacco- and alcohol-related signage serves to exacerbate the danger to the public health, especially of our city's young people; and,
- WHEREAS,* Several youth-related organizations like Sociedad Latina in Mission Hill and BoldTeens in Dorchester have been actively working to reduce the impact of tobacco- and alcohol-related signage in their communities; and,
- WHEREAS,* The size and window coverage of those signs are regulated by the Boston Zoning Commission, and many of the existing alcohol and tobacco advertisements are illegally posted. However the enforcement of the illegally posted signage is not easily enforced, requiring court proceedings; and,
- WHEREAS,* In 2003 the City enacted an ordinance aiding enforcement of the Boston Zoning Code by granting the Commissioner of Inspectional Services the ability to enforce the Code through the City's non-criminal disposition authority; and,
- WHEREAS,* The ordinance specifically addressed Boston Zoning Code violations involving yard parking, auto repair and work without a building permit. It allows for non-criminal disposition of these violations along with the normal zoning code enforcement and appeal process. *NOW, THEREFORE*

Be it ordained by the City Council of Boston, as follows:

Section 1.

CBC Chapter XVI, section 16-46.3 is hereby amended by appending the following new subsection after subsection (c):-

"d. Signs. Any person who violates any section of the Boston Zoning Code, including but not limited to Article 11, as it may be amended, by failing to comply with any sign requirement shall

be in violation of CBC 16-46. Each day a violation occurs or remains unremedied shall be considered a separate violation.”

Section 2.

CBC Chapter XVI, section 16-46.4 is hereby amended by appending the following after the first sentence in the first paragraph:- “A person in violation of CBC 16-46.3(d) shall incur a civil fine of fifty dollars (\$50.00) for the first offense and a civil fine of one hundred dollars (\$100.00) for the second and all subsequent offenses.”

Section 3.

The provisions of these sections shall be effective immediately upon passage.

In City Council JUL 08 2009

Passed

Rosaria Salerno *City Clerk*

Approved JUL 15 2009

Thomas J. Menon *Mayor*